

tions or callings, not to exceed one-fourth of the amount levied by the State."

Same section, line seven, strike out the words "and aiding" and insert the word "by."

Section two, line one, insert after the word "collected" and before the word "from," the words, "as other taxes."

Adopted, and the bill passed to third reading; rules suspended, bill read third time and passed.

Senator Broughton called up Senate bill No. 169, "An act to to authorize the Police Court of Grayson county to contract for the building of a court house." Bill read second time and ordered engrossed.

Senator Broughton moved to amend section two, line six, by striking out "300" and inserting "600."

Adopted. Rules suspended, bill read third time and passed.

Senator Finlay called up House bill No. 15, "An act to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house." Read second time and passed to third reading; rules suspended, read third time and passed.

Senator Flanagan called up "An act to authorize the County Court of Rusk county to issue bonds for the purpose of funding the indebtedness of the county, and to provide for their payment." Read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Fountain called up House bill No. 64, a bill in aid of the financial condition of Cameron county, with report of Judiciary Committee No. 2, recommending amendments. Taken up, and amendments recommended by committee adopted, and bill passed to third reading; rule suspended, bill read third time and passed.

On motion the Senate adjourned to 10 o'clock A. M. tomorrow.

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SENATE CHAMBER, }  
AUSTIN, TEXAS, March, 27, 1873. }

Senate met pursuant to adjournment Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator Sayers, chairman of the Committee on Public Lands, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Public Lands, to whom was referred House bill No. 188, entitled "An act supplementary to and amendatory of an act to regulate the disposal of public lands of the State of Texas, approved August 12, 1870," have carefully examined the same, and recommend the adoption of the accompanying substitute in lieu thereof.

J. D. SAYERS, Chairman.

The President announced Senators Shelley, Finlay and Fountain, a select committee to take into consideration the special message of his Excellency the Governor relative to the condition of affairs in Lampasas county.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 220, entitled "An act for the relief of John W. McElroy and his assigns," having had the same under consideration, instruct me to report the same back with the recommendation that it do pass.

D. W. COLE, Chairman.

Senator Shelley, chairman of the Committee on Finance, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 244, entitled "An act to authorize the County Court of Kinney county to levy and collect a special tax for the term of six years, to build a court house and jail at the county seat of said county," have carefully considered the same, and instruct me to report the bill back with the recommendation that it do pass.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 264, to be entitled "An act to authorize the Police Court of Ellis county to levy and collect a special tax for the purpose of building a jail," have carefully considered the same, and instruct me to

report it back to the Senate with the following amendment, and as amended recommend its passage.

Amend by inserting after the word "dollars," "or so much thereof as is necessary."

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 182, to be entitled, "An act to authorize the Police Court of Leon county to levy a special tax to build a jail, and for other purposes," have carefully considered the same, and instruct me to report it back to the Senate and recommend that it do pass.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred Senate bill No. 201, to be entitled "An act to amend section three of an act entitled an act supplementary to an act to provide for the payment of the public debt of the State of Texas," approved November 13, 1871," have considered the same, and instruct me to report it back, with the following amendment: Amend section one by striking out "4" and inserting "5"; and as amended recommend that it do pass.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 439, to be entitled "An act to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a court house and jail," having carefully considered the same, instruct me to report it back to the Senate and recommend its passage.

N. G. SHELLEY, Chairman.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Claims and Accounts, to whom was referred Senate bill No. 12, entitled "An act for the relief of the heirs of Luke A. Falvel, deceased," with accompanying memorial and papers, having carefully considered the entire evidence in the case, instruct me to report the bill back to the Senate, and recommend its passage.

W. H. SWIFT, Chairman.

Senator Fountain submitted the memorial, by leave, of the mayor and aldermen of the town of Ysleta, in the county of El Paso, protesting against the passage of a bill to incorporate the El Paso Irrigation Company.

Read and referred to Judiciary Committee No. 1.

Senator Word submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 267, entitled "An act to amend Articles 412 and 418, of the Penal Code, as amended by act passed May 11, 1871," having given the same a careful examination, instruct me to report it back to your honorable body and recommend its passage.

T. J. WORD, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 187, to be entitled "An act for the relief of R. B. Reagan, sheriff of Cherokee county," having carefully examined the same, instruct me to report it back to the Senate, and recommend its passage with the following amendments.

T. J. WORD, Chairman *pro tem.*

Amend the caption by striking out the words "sheriff of Cherokee county."

Amend section one, lines six and seven, by striking out the words "sheriff of Cherokee county."

Same section, line eleven, amend by striking out the word "said."

Same section, amend by adding at the end of the section the words, "and to draw his warrant on the Treasury in favor of said R. B. Reagan for the amount so audited."

Also reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: After a careful consideration of Senate bill No. 209, to be entitled "An act to remove the disabilities of minority from J. Tyler Shannon," your Judiciary Committee, to whom the same was referred, instruct me to call the attention of the Senate to the fact that by act of October 24, 1871, the power was conferred upon the district courts to grant the relief prayed for in this bill, if sufficient cause be shown. Your committee would therefore recommend that the bill do not pass.

T. J. WORD, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 99, entitled "An act to amend section twenty-three of an act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," having carefully examined the same, instruct me to report it back, and recommend its passage, with the accompanying amendments.

T. J. WORD, Chairman *pro tem*.

Amend caption by inserting after the number "twenty-third," the following: "and twenty-fourth;" and changing the word "section" to "sections."

Amend section one, line eighteen, by inserting after the word "cents," at end of line, the word "each."

Same section, line twenty-seven, amend by inserting after the word "jury," the following: "Section twenty-four."

Same section, line twenty nine, amend by striking out the word "this," and inserting the words "the preceding."

Senator Shelley made the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 384, to be entitled "An act to levy and collect a special tax in Lavaca county to build a court house for said county," have considered the same, and instruct me to report it back with the following amendments, and as amended, recommend that it do pass.

Amend by striking out section two, and making section three section two.

Section three, line two, amend by striking out all after the word "treasury," down to and including the word "appropriated," in line three.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 287, to be entitled "An act authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail," have carefully considered the same, and instruct me to report the bill back, and recommend that it do pass.

N. G. SHELLEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred Senate bill No. 117, to be entitled "An act requiring the sheriffs to make deeds of conveyance of lands sold for taxes," have carefully considered the same, and instruct me to report the same back, and recommend that it do not pass.

N. G. SHELLEY, Chairman.

On motion of Senator Evans, Senator Dohoney was excused from attendance on the Senate for ten days from to-day, on account of sickness in his family.

Senator Ball introduced a bill to incorporate the town of Stephenville, in Erath county. Read first time and referred to the Committee on State Affairs.

Senator Franks introduced a bill amending "An act concerning private corporations, approved December 2, 1871." Read first time and referred to Judiciary Committee No. 2.

A message was received from the House informing the Senate of the passage by the House of the following House bills:

No. 491, "An act to define the boundary line between the counties of Kendall and Kerr."

"An act to authorize the County Court of Comanche county to issue bonds for certain purposes."

And House joint resolution in relation to the printing of railroad charters.

Senator Dillard introduced a bill to incorporate the town of Jacksonville, in Cherokee county. Read first time and referred to the Committee on State Affairs.

Senator Cole introduced a bill requiring the Treasurer of the State to receive all payments due on all notes given by purchasers of University lands sold under the provisions of "An act for the disposition and sale of the University lands," approved August 30, 1856, and an act amendatory thereof, approved November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said lands. Read first time and referred to the Committee on Education.

Senator Dillard introduced a bill to amend the twenty-second section of "An act to consolidate into one act and amend the several acts incorporating the town of Rusk, in Cherokee county." Read first time and referred to the Committee on State Affairs.

Senator Gaines offered the following resolution:

*Resolved*, That for the purpose of inspecting and reporting upon the condition of the State Penitentiary at Huntsville, and upon the condition of persons confined therein, that the Committee on Penitentiary be and they are hereby authorized and required to visit said institution, or send for persons and papers, at as early a day as practicable.

Made the special order for 10½ o'clock on Monday next.

Senator Shelley in the chair.

The hour having arrived for the consideration of the special order, viz., Senate bill No. 195, "An act to regulate proceedings upon *mandamus* and *quo warranto*," was taken up.

Pending discussion upon the bill, the hour arrived for considering the motion to reconsider the vote indefinitely postponing "An act to authorize the Governor to settle with Messrs. Williams & Guion of New York, their claim against the State."

On motion of Senator Tracy, the same was postponed until the pending business was disposed of.

The hour having arrived for considering the motion to reconsider the vote refusing to pass a bill to enlarge the county of Medina.

Senator Franks moved to postpone the question until the pending business was disposed of.

The chair announced that it required no motion; that the bill under discussion being itself a special order, and must be disposed of as such, taking precedence of all other special orders, and that other special orders were postponed in the order of their succession, without a motion specially for that purpose.

A message was received from the House informing the Senate of the passage by the House of the following bills originating in the House:

No. 19, "An act concerning town and city corporations."

No. 52, "An act to establish a uniform time for holding municipal elections throughout the State."

No. 155, "An act for the protection of the farming interests of the State."

No. 251, "An act to incorporate Leesburg Institute, in Upshur county."

No. 443, "An act to incorporate the town of Cuero, in De Witt county."

No. 569, "An act to incorporate the Farmers' Cotton Press Company."

No. 532, "An act to amend an act regulating elections, passed at the present session of the Legislature."

Senator Word moved to indefinitely postpone the pending bill.

On motion of Senator Flanagan, call of the Senate was ordered.

Absent, without leave—Senator Broughton.

On motion of Senator Flanagan, Senator Broughton was excused on account of sickness.

The Senate being full, and the question recurring on the motion to indefinitely postpone, the same was put.

The yeas and nays called, and stood thus:

Yeas—Senators Avinger, Ball, Dillard, Evans, Latimer, Sayers, Swift, Tendick, Word and Mr. President—10.

Nays—Senators Baker, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Pyle, Rawson, Randle, Ruby, Shelley and Tracy—15.

So the motion was lost.

On motion of Senator Flanagan, the main question was ordered, which being the engrossment of the bill, the same was put.

The yeas and nays called, and stood thus:

Yeas—Senators Baker, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Pyle, Rawson, Randle, Ruby and Tracy—14.

Nays—Senators Avinger, Ball, Dillard, Evans, Latimer, Sayers, Shelley, Swift, Tendick, Word and Mr. President—11.

So the bill was ordered engrossed.

Senator King moved to suspend the rule, and place the bill upon its third and final reading.

The yeas and nays being called, stood:

Yeas—Senators Baker, Cole, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Pyle, Rawson, Randle, Ruby, Sayers and Tracy—16.

Nays—Senators Avinger, Ball, Dillard, Latimer, Shelley, Swift, Tendick, Word and Mr. President—9.

So the Senate refused to suspend the rules.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills have the honor

to report that they have carefully examined and compared Senate joint resolution No. 21, awarding Winchester rifles to certain persons; and also Senate joint resolution No. 9, "Ratifying an amendment to section six, article ten, of the Constitution of the State of Texas, proposed by joint resolution of the Legislature of the State of Texas, passed May 17, 1871;" and find the same correctly enrolled.

H. R. LATIMER, Chairman.

The motion of Senator Flanagan to reconsider the vote indefinitely postponing "An act to authorize the Governor to settle with Williams & Guion, of New York, their claim against the State," was taken up.

A message was received from the House informing the Senate that the House had passed Senate bill No. 49, "An act supplemental to and amendatory of an act to incorporate the Galveston Medical College Hospital, approved May 31, 1871," with amendments by the House.

The question recurring upon the motion to reconsider, the same was put and the vote reconsidered.

The question being, Shall the bill pass?

On motion of Senator Pickett, a call of the Senate was ordered.

Full Senate, and the yeas and nays being called upon the passage of the bill, stood thus:

Yeas—Senators Dillard, Ford, Fountain, Franks, King, Ruby, Tendick and Word—8.

Nays—Senators Avinger, Baker, Ball, Cole, Evans, Finlay, Gaines, Latimer, Pyle, Rawson, Sayers, Shelley, Swift, Tracy and Mr. President—15.

So the Senate refused to pass the bill.

A message was received from the House informing the Senate that the House had adopted the concurrent resolution of the Senate, to consolidate the two committees of the House and Senate on the subject of reducing the number of judicial districts.

Senator Dillard moved to reconsider the vote taken yesterday indefinitely postponing a bill conferring additional jurisdiction on the presiding justices of the peace in the State.

Pending which motion, the Senate proceeded to the consideration of bills of a private nature, under the rule adopted for that purpose.

Senator Pyle called up Senate bill No. 49, "An act sup-

plemental to and amendatory of an act to incorporate the Galveston Medical College Hospital, approved May 31, 1871," with amendments by the House and amendments concurred in by the Senate.

Senator Rawson called up Senate bill No. 97, "An act to incorporate the Hallville Masonic Institute." Read second time and ordered engrossed; rule suspended, read third time and passed by the following two-thirds vote: Yeas—20.

Senator Ruby called up House bill No. 149 "An act to amend an act incorporating the Galveston Artillery Company, approved January 30, 1841." Read second time and passed to the third reading; rule suspended, read third time and passed.

Senator Sayers called up a bill to authorize the surveyor of Rusk county to transcribe certain records, and to make a general index." Read second time and ordered engrossed; rule suspended, read third time and passed.

Senator Shelley called up Senate bill No. 129, "An act to authorize Cunningham & Thompson to establish and maintain a ferry and toll bridge across the Colorado river near Austin, in Travis county." Amendments of committee adopted. Read second time and ordered engrossed; rule suspended, read third time and passed.

Senator Swift called up Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High School House, in Nacogdoches county," with a report of Committee on Education recommending amendments. Amendments adopted and bill ordered engrossed; rule suspended, read third time and passed.

Senator Tendick called up House bill No. 154, "An act to provide for the election of city officers for the city of Columbus and to regulate their duties." Read second time.

Senator Tendick offered the following amendments:

Section one, line three, strike out "April" and insert "June;" line four, strike out the word "each year" and insert "every two years;" line six, strike out the word "one year" and insert "two years."

Section nine, line three, strike out the word "April" and insert "June."

Section ten, in line four, after the word "repute" insert the words "one of each party." Adopted, and bill

passed to third reading; rule suspended, read third time and passed.

Senator Tracy called up Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county." Read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Word called up a bill, House bill No. 437, "An act to authorize the County Court of McLennan county to levy a special tax for the purpose of building a court house and jail, and to provide for the safe keeping and disbursement of the moneys arising therefrom." Read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Pickett called up a bill, House bill No. 376, "An act making an appropriation to pay the printing account of Richardson, Belo & Co. for the Comptroller's office." Read second time and referred to the Committee on Finance.

On motion of Senator Flanagan, the Senate went into executive session.

The executive session having arisen, the secretary of the Senate was instructed to inform the Governor that the Senate do advise and consent to the appointment of Robert Zapp to be notary public of Fayette county, and J. W. Glenn to be State Geologist.

On motion, the Senate adjourned till 10 o'clock to-morrow.

#### SENATE CHAMBER.

AUSTIN, TEXAS, March 28, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Shelley, the reading of the journal of yesterday was dispensed with.

A message was received from the House informing the Senate that the House had adopted a concurrent resolution authorizing the Governor to sell or hypothecate the State bonds now in the hands of Messrs. Williams & Guion, in the city of New York, and apply so much of the proceeds as are necessary to the liquidation of the in-